

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

V.

Case No: 2:18-20202-1-SHL

BRIAN HOWARD,

Defendant.

WAIVER OF DETENTION HEARING

Comes **BRIAN HOWARD** the above-named defendant, by and through his or her attorney, and having been fully advised of his or her right to a detention hearing for purposes of determining whether pre-trial detention is warranted pursuant to 18 U.S.C. § 3142, hereby waives that right to a detention hearing and submits to pre-trial detention.

The defendant waives his or her right to a detention hearing with a full understanding of his or her rights under Federal Rule of Criminal Procedure 46 and the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.), which include, but are not limited to the following:

1. The Government seeks the pre-trial detention of the defendant pursuant to 18 U.S.C. § 3142(e).
2. Section 3142(f) requires that the Court hold a hearing to determine if any condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person or the community. At a detention hearing:
 - (A) a defendant has the right to be represented by counsel, and if financially unable to obtain adequate representation, to have counsel appointed;
 - (B) a defendant shall be afforded an opportunity to testify, to present

witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise;

(C) the rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing; and

(D) clear and convincing evidence shall be required to support detention.

3. Upon motion, the issue of detention may be reopened at any time before trial if the Court finds that information exists that was not known to the movant at the time of this waiver and that has a material bearing on the issue of detention.

4. Waiver of a detention hearing shall not be construed as modifying or limiting the presumption of innocence.

5. Defendant reserves the right to request a detention hearing at a later time.

Dated: 7-12-18

Brian Howard
Defendant

M. Pugh
Attorney for Defendant

Dell
Attorney for the Government